

FILED
RICHARD W. NAGEL
CLERK OF COURT

2016 MAY 27 AM 9:53

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

IN THE MATTER OF THE SEIZURE OF : NO. **1 : 16 MJ -351**
:
ELEVEN MONEYGRAM MONEY ORDERS :
WHICH TOTAL FIVE THOUSAND FIVE :
HUNDRED DOLLARS (\$5,500.00) :
16-USP-001147 : Under Seal
:
AND :
:
SEVEN WESTERN UNION MONEY :
ORDERS WHICH TOTAL FOUR :
THOUSAND FIVE HUNDRED DOLLARS :
(\$4,500.00) 16-USP-001148 :

EX PARTE APPLICATION FOR ORDER
TO EXTEND FOR SIXTY DAYS THE
NOTICE PERIOD OF 18 U.S.C. § 983(a)(1)(A)

The United States of America hereby applies to this Court for an order extending for sixty (60) days the time within which to give notice of its intent to institute administrative forfeiture proceedings against Eleven MoneyGram Money Orders which total Five Thousand Five Hundred Dollars (\$5,500.00) 16-USP-001147; and Seven Western Union Money Orders which total Four Thousand Five Hundred Dollars (\$4,500.00) 16-USP-001148 ("the subject property"), seized on March 11, 2016. This application is made pursuant to 18 U.S.C. § 983(a)(1)(C) and (D).

By this application, the United States further requests that this application, the following memorandum, the attached certification of Regina L. Faulkerson, and all other pleadings in this matter be filed under seal and remain under seal pending further order of the Court because the United States has reasonable cause to believe that the investigation could be seriously compromised should certain persons become aware of this application or other filings. In support of this application, the United States submits the following memorandum and the attached

certification.

This application is made *ex parte* for the reason set forth in the attached certification on the ground that giving notice of the institution of administrative forfeiture proceedings at this time would jeopardize an ongoing investigation.

MEMORANDUM

I. Introduction

The Civil Asset Forfeiture Reform Act of 2000 ("CAFRA"), effective August 23, 2000, provides that when an asset is seized for forfeiture, the seizing agency must send notice to the owner of the asset within sixty days after the date of seizure. 18 U.S.C. § 983(a)(1)(A). This deadline may be extended for thirty days if a supervisory official in the headquarters office of the seizing agency determines that sending notice to the owner could have an adverse effect. For any further extensions of the deadline, however, the government is required to apply to the district court. That is the purpose of this application.

II. The Statute

The following provisions of CAFRA are pertinent to this application:

18 U.S.C. § 983. General rules for civil forfeiture proceedings

(a) Notice; claim; complaint.—

(1)(A)(i) Except as provided in clauses (ii) through (v), in any nonjudicial civil forfeiture proceeding under a civil forfeiture statute, with respect to which the Government is required to send written notice to interested parties, such notice shall be sent in a manner to achieve proper notice as soon as practicable, and in no case more than 60 days after the date of the seizure.

(B) A supervisory official in the headquarters office of the seizing agency may extend the period for sending notice under subparagraph (A) for a period not to exceed 30 days (which period may not be further extended except by a court), if the official determines that the conditions in subparagraph (D) are present.

(C) Upon motion by the Government, a court may extend the period for sending notice under subparagraph (A) for a period not to exceed 60 days, which period may be further extended by the court for 60-day periods, as necessary, if the court determines, based on a written certification of a supervisory official in the headquarters office of the seizing agency, that the conditions in subparagraph (D) are present.

(D) The period for sending notice under this paragraph may be extended only if there is reason to believe that notice may have an adverse result, including—

- (i) endangering the life or physical safety of an individual;
- (ii) flight from prosecution;
- (iii) destruction of or tampering with evidence;
- (iv) intimidation of potential witnesses; or
- (v) otherwise seriously jeopardizing an investigation or unduly delaying a trial.

III. The Facts

The attached certification of Regina L. Faulkerson sets out a description of the facts underlying the seizure of the subject property and is incorporated herein by reference. The subject property has been deposited into the Seized Asset Deposit Fund.

The United States requests a sixty-day extension of time within which to provide notice of its intent to institute administrative forfeiture proceedings against the subject property. Any action by the government at this point will jeopardize the investigation, whether it consists of returning the subject property to the target or giving the target notice of forfeiture proceedings.

As required by 18 U.S.C. § 983(a)(1)(C), the United States attaches the certification of Regina L. Faulkerson, Acting Inspector in Charge of Criminal Investigations and the Asset Forfeiture Program, U.S. Postal Inspection Service, in which she states that the conditions of 18 U.S.C. § 983(a)(1)(D) are satisfied. The original notice deadline was May 10, 2016; a thirty-day extension of the notice deadline was granted by a supervisory official at the agency, extending the deadline to June 9, 2016; and the United States hereby requests a sixty-day extension to August 8,

2016.

IV. Conclusion

Accordingly, the United States requests that the Court, pursuant to 18 U.S.C. § 983(a)(1)(C) and (D), enter the proposed order extending for sixty (60) days from June 9, 2016, to August 8, 2016, the deadline by which the U.S. Postal Inspection Service must provide written notice of its intent administratively to forfeit the subject property under federal law. The United States further requests that the Court seal these proceedings, including this application with memorandum and the certification and its attachments until further order of the Court.

Respectfully submitted,

BENJAMIN C. GLASSMAN
Acting United States Attorney


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CERTIFICATION

Postal Inspection Service Case#: 2147483-PMN

Seizure Number(s): 034-16-014

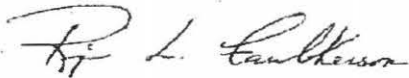
CATS Asset ID(s): 16-USP-001147, 16-USP-001148

Seized Property: Eleven (11) MoneyGram money orders totaling \$5,500.00, Seven (7) Western Union money orders totaling \$4,500.00

Seizure Date: 3/11/2016

I, Regina L. Faulkerson, hereby certify to the following facts:

1. I am a United States Postal Inspector and have been employed since September 1999. I am currently assigned to Headquarters, specifically as the Acting Inspector in Charge of Criminal Investigations. I am the Acting manager of the Asset Forfeiture program, and as such, I am the designated supervisory official with overall responsibility for all program functions.
2. In the course of my official duties as Acting Inspector in Charge of the Asset Forfeiture program, I supervise and monitor the forfeiture activities of the U. S. Postal Inspection Service's divisions and receive reports and inquiries from those divisions regarding all facets of forfeiture matters.
3. On 3/11/2016, the Postal Inspection Service, Pittsburgh Division, Cincinnati Field Office seized the subject property.
4. This seizure relates to an ongoing criminal investigation being conducted in Cincinnati, OH, for violations of Title 21 USC 841 et seq. Forfeiture is anticipated under Title 21 USC 881; however, at this time, notice of forfeiture would be detrimental to the investigation.
5. On 4/13/2016, our agency authorized a thirty (30) day delay of the administrative notice until 6/9/2016.
6. I have reviewed the attached U. S. Postal Inspection Service Request for Judicial Motion to Delay Notice and the supporting documents concerning the seizure of the subject property.
7. Based on my review, it is my belief that notice to parties with an ownership interest will have the adverse result of seriously jeopardizing an investigation or unduly delaying a trial.
8. Due to the ongoing nature of this investigation, pursuant to Title 18 USC Section 983(a)(1)(D)(v), I respectfully request that the requested additional sixty (60) day delay of notice be ordered by the court.
9. I hereby declare under penalty of perjury as provided under federal law that the foregoing is true and correct to the best of my knowledge and belief.



Regina L. Faulkerson
Acting Inspector in Charge
Criminal Investigations

5/17/2016

Date

U.S. Postal Inspection Service
REQUEST FOR JUDICIAL MOTION TO DELAY NOTICE
TITLE 18 U.S.C. § 983(a)(1)(C)

To: Inspector in Charge, Criminal Investigations

Seizure Number: 034-16-014

Case Number: 2147483-PMN

CATS Asset ID # (s): 16-USP-001147; 16-USP-001148

Asset Value (s): Eleven (11) MoneyGram money orders totaling \$5,500.00;
Seven (7) Western Union money orders totaling \$4,500.00

Date Seized: 03/11/2016

Seizure Method: Search Warrant

Forfeiture Authority: 21 USC 881

Violation: 21 USC 841

Criminal Prosecution?: Not at this time

Restitution Anticipated?: No

The Pittsburgh Division is requesting that the period for sending notice to parties with and ownership interest be extended by the court because such notice will have adverse results, including:

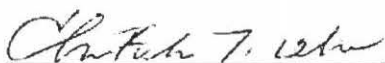
- ☐ endangering the life or physical safety of an individual;
- ☐ flight from prosecution;
- ☐ destruction of or tampering with evidence;
- ☐ intimidation of potential witnesses; or
- ☒ otherwise seriously jeopardizing an investigation or unduly delaying a trial.

A judicial motion to delay notice is requested based on the circumstances stated in the attached document.

This request for a judicial extension to notice is being requested to identify the individual which mailed the outgoing currency package and identify incoming narcotic parcels. By sending notice the subjects would be alerted that the government seized a parcel containing what is believed to be proceeds of narcotic sales. Additionally notice would alert subjects of this ongoing investigation in two states that their mail is being profiled and would cause the parties to change their methods of receiving narcotics proceeds therefore jeopardizing numerous hours already invested in this investigation and intelligence already gathered. A judicial extension to notice is being requested in order to preserve the ongoing investigation. Release of the information contained in any investigative reports would impede the ongoing investigation. Please see attached for more details.

☒ (check here if continued on attachment)

I hereby certify the information provided above is current and accurate.



Christopher T. White
 Assistant Inspector in Charge

5/16/16

Date

In February 16, 2016, Inspector O'Neill obtained Federal search warrants for two parcels addressed to "Sierra Edison" mailed from Southern Ohio. One of the parcels was address to PO Box 277, Oregon House, California 95962 and both of the parcels had a return address of 1641 Hanover Ct, Hamilton, OH 45013. These parcels were found to contain a total of \$20,970.00 in US currency. The currency was seized for administrative forfeiture.

On March 5, 2016, Inspector O'Neill was contacted by the Oregon House Post Office regarding the subject Priority Mail Express parcel EL273876672US addressed to Matthew Edison, PO Box 277, Oregon House, California 95962-0277 with a return address of Malik Roberson, 1641 Hanover Ct, Hamilton, OH 45013. On March 11, 2016, a Federal search warrant was obtained and the parcel was found to contain eleven (11) MoneyGram money orders totaling \$5,500.00 and seven (7) Western Union money orders totaling \$4,500.00. The combined total of the money orders is \$10,000.00. Administrative forfeiture proceedings were begun under Seizure Number 034-16-014.

Investigation has identified four addresses suspected of receiving narcotics. This extension is being requested to allow time to further the investigation by identifying other incoming narcotic parcels to identify those individuals involved in the trafficking in narcotics.

Related Seizures

034-15-035

On July 25, 2015, a Federal search warrant for Priority Mail Express parcel EK523544389US addressed to Brad Blieden, 2036 Nevada City Highway #344, Grass Valley, CA 95945 with a return address of Chad Philpot, 47 East Ave, Monroe, OH 45050 was obtained and the parcel was found to contain \$10,300.00 US currency. Administrative forfeiture was completed under Seizure Number 034-15-035.

034-15-036

On July 25, 2015, a Federal search warrant for Priority Mail Express parcel EK523544392US addressed to Jessica Croley, 2036 Nevada City Highway #358, Grass Valley, CA 95945 with a return address of Chad Philpot, 47 East Ave, Monroe, OH 45050 was obtained and the parcel was found to contain \$9,900.00 US currency. Administrative forfeiture was completed under Seizure Number 034-15-036.

034-16-011

On February 8, 2016, a Federal search warrant for Priority Mail Express parcel EK976684684US addressed to Sierra Edison, 2036 Nevada City Hwy PMB #234, Grass Valley, CA 95945 with a return address of Rico Roberson, 1641 Hanover Ct, Hamilton, OH 45013 was obtained and the parcel was found to contain \$11,000.00 US currency. Administrative forfeiture proceedings were begun under Seizure Number 034-16-011.

034-16-012

On February 17, 2016, a Federal search warrant for Priority Mail parcel 9505 5111 7899 6041 5623 07 was addressed to Sierra Edison, PO Box 277, Oregon House, CA 95962 with a return address of R Roberson, 1641 Hanover Ct, Hamilton was obtained and the parcel was found to contain \$9,970.00 US currency. Administrative forfeiture proceedings were begun under Seizure Number 034-16-012.

Narcotic Seizures

On March 11, 2016, a Federal search warrant for Priority Mail Express parcel EK350115565US addressed to J Bishop, 841 Sando Dr, Fairfield, OH 45014 with a return address of Judith Bishop, 1224 Park Ave Apt B, Alameda, CA94504 was obtained and the parcel was found to contain 2,740 grams of marijuana.

On March 22, 2016, a Federal search warrant for Priority Mail Express parcel EL390286449US addressed to C Ringley, 871 Central Ave Apt B, Hamilton, OH 45011 with a return address of Dorothy Ringley, 1766 Hunt St, Yuba City, CA 95991 was obtained and the parcel was found to contain 2,890 grams of marijuana.

Related Mailings

- Priority Mail Express parcel EK526700817US mailed 06/17/15 weighing 2 pounds 12 ounces addressed to Brad Blieden, 2036 Nevada City Hwy # 344, Grass Valley, CA 95945 with a return address of Emily Fite, 250 E Loveland Ave Apt G, Loveland, OH 45140.
- Priority Mail Express parcel EK281631915US mailed 07/07/15 weighing 1 pound 11 ounces addressed to Brad Blieden, 2036 Nevada City Hwy # 344, Grass Valley, CA 95945 with a return address of Emily Fite, 250 E Loveland Ave Apt G, Loveland, OH 45140.
- Priority Mail Express parcel EL273872137US mailed 02/04/16 weighing 2 pounds 6 ounces addressed to PO Box 277, Oregon House, CA 95962.
- Priority Mail Express parcel EL260980827US mailed 02/05/16 weighing 3 pounds 1 ounce addressed to PO Box 277, Oregon House, CA 95962.
- Priority Mail Express parcel EK351634544US mailed 02/22/16 weighing 10 pounds 13 ounces addressed to J Bradford, 121 Washington St, Hamilton, OH 45011 with a return address of Roy Bradford, 1232 Caroline St, Alameda, CA 94501.
- Priority Mail Express parcel EL006135346US mailed 02/22/16 weighing 10 pounds 13 ounces addressed to 1629 Eden Park Dr, Hamilton, OH 45013 with a return address of Jamie Sneed, 831 Macarthur Blvd, Oakland, CA 94610.
- Priority Mail Express parcel EL331837698US mailed 02/25/16 weighing 9 pounds 2 ounces addressed to 65 Westbrook Dr, Hamilton, OH 45013.
- Priority Mail Express parcel EL311413006US mailed 02/25/16 weighing 9 pounds 5 ounces addressed to C Ringley, 871 Central Ave Apt B, Hamilton, OH 45011 with a return address of Patricia Ringley, 407 Lemoore St, Fremont, CA 94539.
- Priority Mail Express parcel EL398267635US mailed 04/15/16 weighing 2 pounds 11 ounces addressed to 1086 Zamora Cir, Colorado Springs, CO 80910.
- Priority Mail Express parcel EL400378663US mailed 04/18/16 weighing 7 pounds addressed to 1135 Briarwood Dr, Hamilton, OH 45013.

DECLARATION

I, Karen O'Neill, state as follows:

1. I am a United States Postal Inspector, having been so employed since March 2003. I am presently assigned to the Cincinnati Field Office, Pittsburgh Division of the Postal Inspection Service with investigative responsibility for Southwest Ohio, Northern Kentucky and Southeast Indiana. Part of my investigative responsibility involves the use of the United States Mail in the transporting of narcotics and other dangerous controlled substances and financial proceeds relating thereto.
2. I have become aware that drug traffickers frequently use Express Mail, a business-oriented overnight service offered by the United States Postal Service, to transport narcotics and other dangerous controlled substances, and their proceeds or instrumentalities from the sale of the controlled substances. I have also become aware that drug traffickers frequently use Priority Mail with delivery confirmation, a 2-3 day service offered by the United States Postal Service. As a result of investigations and successful controlled substance prosecutions where the Mail was used, I have learned of certain characteristics indicative of other Mail items previously identified as containing narcotics or other dangerous controlled substances, their proceeds or instrumentalities from the sale of the controlled substances. Some of these characteristics include, but are not necessarily limited to or used on every occasion, the mailer using different post offices on the same day to send parcels, false or non-existent return address, addressee is not known to receive mail at the listed delivery address, the package is heavily taped, the package is mailed from a known drug source location, labeling information contains misspellings, the label contains an illegible waiver signature, unusual odors emanating from the package, and the listed address is located in an area of known or suspected drug activity.

RELEVANT FACTS PERTAINING TO US POSTAL SERVICE PRIORITY MAIL EXPRESS PARCEL EL273876672US

3. On March 5, 2016, I was contacted regarding the subject Priority Mail Express parcel EL273876672US addressed to Matthew Edison, PO Box 277, Oregon House, California 95962-0277 with a return address of Malik Roberson, 1641 Hanover Ct, Hamilton, OH 45013.

The parcel is more specifically described as follows:

- a) USPS Priority Mail Express flat rate box measuring approximately 11 inches x 8 ½ inches x 5 ½ inches and weighing approximately 2 pounds 5.4 ounces;
- b) addressed to: "Matthew Edison, PO Box 277, Oregon House, California 95962-0277";
- c) return address: "Malik Roberson, 1641 Hanover Ct, Hamilton, OH 45013";
- d) bearing U.S. Postage for \$46.00;
- e) Priority Mail Express tracking number EL273876672US.

4. Based on training and experience, I pulled the parcel from the mail stream based on reasonable suspicion that the parcel contained illegal narcotic proceeds. The reasonable suspicion included:
 - The parcel was addressed to a state that is a known source of narcotics and thus a destination point for narcotic proceeds/payments;
 - The zip code of mailing was different from the zip code listed on the return address portion of the express mail label. Narcotics traffickers will often mail the parcel at a different post office to avoid detection;
 - A Priority Mail Express label was attached to the parcel. The "Signature Required" box was not checked on the Priority Mail Express label. This allowed the parcel to be delivered without the addressee or the addressee's agent having to sign for the parcel, contingent upon the parcel being left in a secure location at the address. This can allow delivery to be tracked without affirmative acceptance by an individual who may be being investigated by law enforcement;
 - Two previous mailings with the same return address and different names had previously been found to contain a total of \$20,970.00 US currency which has been seized for administrative forfeiture.
4. On March 11, 2016, I contacted DEA Task Force officer William Conrad to request a canine examination of a suspect parcel. Priority Mail Express parcel EL273876672US was set in a controlled area. Canine Joey was then allowed to examine the area. While reviewing the area containing Priority Mail Express parcel EL273876672US, Joey reacted in a manner that handler Conrad stated was indicative of a controlled substance.
5. On March 11, 2016, a federal search warrant was obtained for Priority Mail Express parcel EL273876672US. On that same date the parcel was opened and the first item viewed was a package of construction paper. The construction paper was removed and a children's book, game and crayons were also found inside. The plastic wrapper for the construction paper was opened and found hidden inside the sheets was various money orders in different locations. There were eleven (11) MoneyGram money orders totaling \$5,500.00 and seven (7) Western Union money orders totaling \$4,500.00. The combined total of the money orders is \$10,000.00. Administrative Forfeiture proceedings were begun under Seizure Number 034-16-014. Due to the nature of the investigation still being developed, a Request for 30 Day Extension was approved on April 18, 2016, by Inspector in Charge, Criminal Investigations, U.S. Postal Inspection Service.

RELEVANT FACTS PERTAINING TO
THIS INVESTIGATION

6. On July 25 2015, I began an investigation after Priority Mail Express parcel EK523544389US addressed to Brad Blieden, 2036 Nevada City Highway #344, Grass Valley, CA 95945 with a return address of Chad Philpot, 47 East Ave, Monroe, OH 45050 was obtained and the parcel was found to contain \$10,300.00 US currency. Administrative forfeiture was completed under Seizure Number 034-15-035.
7. On July 25, 2015, a Federal search warrant for Priority Mail Express parcel EK523544392US addressed to Jessica Croley, 2036 Nevada City Highway #358, Grass

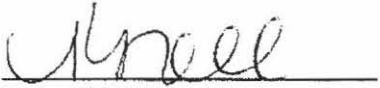
Valley, CA 95945 with a return address of Chad Philpot, 47 East Ave, Monroe, OH 45050 was obtained and the parcel was found to contain \$9,900.00 US currency. Administrative forfeiture was completed under Seizure Number 034-15-036.

8. On February 8, 2016, a Federal search warrant for Priority Mail Express parcel EK976684684US addressed to Sierra Edison, 2036 Nevada City Hwy PMB #234, Grass Valley, CA 95945 with a return address of Rico Roberson, 1641 Hanover Ct, Hamilton, OH 45013 was obtained and the parcel was found to contain \$11,000.00 US currency. Administrative forfeiture proceedings were begun under Seizure Number 034-16-011. Due to the nature of the investigation still being developed, a Request for 30 Day Extension was approved on March 9, 2016, by Inspector in Charge, Criminal Investigations, U.S. Postal Inspection Service. A Judicial Extension to Delay Notice was most recently signed in the Southern District of Ohio on May 3, 2016.
9. On February 17, 2016, a Federal search warrant for Priority Mail parcel 9505 5111 7899 6041 5623 07 was addressed to Sierra Edison, PO Box 277, Oregon House, CA 95962 with a return address of R Roberson, 1641 Hanover Ct, Hamilton was obtained and the parcel was found to contain \$9,970.00 US currency. Administrative forfeiture proceedings were begun under Seizure Number 034-16-012. Due to the nature of the investigation still being developed, a Request for 30 Day Extension was approved on March 9, 2016, by Inspector in Charge, Criminal Investigations, U.S. Postal Inspection Service.
10. On March 11, 2016, a Federal search warrant for Priority Mail Express parcel EK350115565US addressed to J. Bishop, 841 Sando Dr, Fairfield, OH 45014 with a return address of Judith Bishop, 1224 Park Ave Apt B, Alameda, CA 94501 was obtained and the parcel was found to contain approximately 2,740 grams marijuana.
11. On March 22, 2016, a Federal search warrant for Priority Mail Express parcel EL390286449US addressed to C. Ringley, 871 Central Ave Apt B, Hamilton, OH 45011 with a return address of Dorothy Ringley, 1766 Hunt St, Yuba City, CA 95991 was obtained and the parcel was found to contain approximately 2,890 grams marijuana.
12. A review of postal business records for related mailings has been conducted. Since February 2016, eight related mailings have been identified.
13. Continued investigation has determined incoming and outgoing related parcels between Colorado and known suspect addresses in Southern Ohio. It is believed narcotics are now being obtained using a source in Colorado due to the seizure of incoming narcotics and outgoing currency related to the California source.
14. Information has been received from MoneyGram International regarding requests for replacement of eight (8) of the eleven (11) money orders seized in this seizure. The requests were submitted by two individuals previously identified as suspects in this investigation. Information has also been received from Western Union that individuals have inquired on money orders in this seizure.
15. Investigation has disclosed unknown individuals are attempting to obtain delivery information and/or status of previously seized parcels.

16. Based on the aforementioned investigative details, the continuing investigation to gather evidence to be presented to a future Grand Jury, there is reason to believe that notice may have an adverse result, including:

- i. endangering the life or physical safety of an individual;
- ii. flight from prosecution;
- iii. destruction of or tampering with evidence;
- iv. intimidation of potential witnesses; or
- v. otherwise seriously jeopardizing an investigation or unduly delaying a trial.

I declare under penalty of perjury that the foregoing is true and correct. Executed on 5-11-16.



Karen O'Neill
Postal Inspector